

**SUMMARY AND ANALYSIS OF PUBLIC COMMENTS REGARDING
CHANGES TO SPORT FISHING REGULATIONS FOR THE
KLAMATH-TRINITY RIVER**

Received from July 1, 2003 through May 4, 2004

PUBLIC HEARINGS, MARCH 25-26, 2003

Public hearings were held March 24, 2004 in Crescent City and March 25, 2004 in Weaverville. There were approximately 10 public members present at the Crescent City hearing and approximately 21 at the Weaverville hearing. The audience was very appreciative of the hearings for two reasons: 1) they feel they have a greater impact via public testimony and 2) it saves them from having to make long trips to scheduled Commission meetings.

Crescent City, March 24, 2004, all oral comments:

1. Mr. Chuck Blackburn, Del Norte County Supervisor: Supported the Department's recommendations and thanked the Department for including stakeholders.

Department response: Support is acknowledged.

2. Ms. Virginia Bostwick, Representing in-river anglers: Supports the Department's recommendations for maintaining the daily bag, weekly bag, and possession limits.

Department response: Support is acknowledged.

Weaverville, March 26, 2002, all oral comments:

3. Mr. Ed Duggan: Supports the Departments proposed regulations. Also recommends a limited marked coho fishery in the Klamath and Trinity Rivers.

Department recommendation and analysis: Support is acknowledged. Do not accept coho recommendation. Coho are currently listed as threatened under the Federal Endangered Species Act and warrants listing under the California Endangered Species Act (CESA). The current ruling of the National Marine Fisheries Service is for no directed take for Coho salmon state wide. The Department developed a recovery strategy for CESA threatened Coho salmon which has been adopted by the Commission. The strategy does not allow retention of Coho salmon in ocean and inland water of California, with the exception of a limited fishery for landlocked Coho in Lake Oroville.

4. Mr. Vince Holson: Supports the Department recommendations for maintaining the daily bag, weekly bag, and possession limits.

Department response: Support is acknowledged.

5. Mr. Tim King: Recommends increasing the daily bag limit for Chinook salmon at 3 fish, no more than two greater than 22 inches total length and reducing the weekly possession limit from 4 adult Chinook to 2 adult Chinook in any seven consecutive days.

Department recommendation and analysis: Do not accept. The Department projects that the 2004 Klamath Basin Impact quota to be approximately 4,700 adult Chinook salmon. In 2003, the quota was set at 10,800. This represents a 6,100 fish reduction for the 2004 fishing season. In 2003, under current regulations anglers harvested 9,700 adult Chinook salmon. Increasing the daily bag limit would increase harvest levels which would result in anglers meeting or exceeding their quota earlier in the fishing season. By maintaining the daily bag limit, weekly bag limit and possession limit will distribute the harvest over a longer period of time and extend the open fishing season increasing angling opportunities.

Fish and Game Commission meeting, April 2, 2004, All oral testimony:

6. Mr. Joe Blum, NOAA Fisheries:

- a. Opposes the retention of one wild steelhead per day and three per season from the mainstem Klamath River from the Interstate 5 Bridge to 3,500 feet below Iron Gate Dam.

Department recommendation and analysis: Accept. The Department no longer supports the retention of adult wild steelhead in the Klamath River. The Department has reviewed and will adhere with the 1998 Memorandum of Agreement between the Department and NOAA Fisheries which prohibits the directed take of wild adult steelhead in any anadromous waters north of the Russian River, excluding the Smith River in Del Norte, County.

- b. Opposes opening the New River, tributary to the Trinity River to catch and release fishing using only artificial lure with barbless hooks.

Department recommendation and analysis: The Department concurs with Mr. Blum. Mr. Blum is concerned that opening New River to limited angling would result in indirect mortality to Coho salmon. Coho are present in New River in limited numbers. The Department concurs there would be some catch and release mortality of Coho, but is more concerned with the potential negative effects on summer steelhead. The New River supports the largest run of summer steelhead in the Klamath River Basin. Summer steelhead surveys in New River indicate a moderate increase in adult fish returning to the system. Additional monitoring is needed to determine if additional angling opportunities are warranted.

7. Mr. Tim King, Mr. Murrey Wolfe, Mr. Brandt Stevens, Mr. Mark Warner, Mr. Steve Huber, Mr. James Potts, Mr. Wally Johnson and Mr. Michael Kelly, Mr. Owen Chew and Mr. Albert Kautsky: The group expressed concerns with the proposed reduction in the river sport quota for adult Chinook. The consensus was to increase the in-river sport quota to allow the retention of one adult Chinook salmon through the entire Fall Chinook fishing season (most years

through Nov. 31). Specific recommendations include: 1) increase the in-river quota to 8-10 thousand fish annually; 2) increase the in-river sport quota from 15% of the allowable non-tribal harvest to some percentage that would ensure a full fall Chinook fishing season.

Department recommendation and analysis: Do not accept. There is no harvest allocation mechanism within the current process which would allow anglers to catch and keep one adult fall-run Chinook salmon in the Klamath River basin through the entire fishing season. The allowable Chinook salmon harvest in the Klamath River system is based on the spawning run-size predictions and spawning escapement goals. Chinook salmon in the Klamath River basin are managed through a cooperative system of state, federal, and tribal management agencies. The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations from the Klamath Fishery Management Council (KFMC) for sport and commercial ocean fisheries off the coasts of Washington, Oregon, and California. The Commission adopts regulations for State waters (ocean inside three miles) and Klamath River basin that are consistent with federal regulations. Overall harvest and spawning escapement levels are established and published in the "Amendments to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coast of Washington, Oregon, and California Commencing in 1978 (FMP)".

The Commission does not have the authority to alter the allocation process. The Commission can request the KFMC to model harvest allocations based on a greater than 15 percent in-river allocation. The PFMC has the options to except the output of the model as a potential harvest quota option. Ultimately, the Commission must adopt regulations which fall within the allocations provided by the PFMC.

8. Mr. Ed Duggan: Supports the Department's proposed regulations, and recommends a limited marked Coho fishery in the Klamath and Trinity Rivers.

Department recommendation and analysis: Support is acknowledged. Do not accept coho recommendation (see No. 3 above).

9. Mr. Jim Bassler: Concerned that the in-river sport anglers were not informed of the Klamath River basin fall Chinook salmon allocation process. Mr. Bassler wanted to clarify the process and reduce conflict between ocean commercial, ocean recreational and in-river sport anglers. He acknowledged the predicted ocean abundance of Klamath River fall Chinook salmon available for harvest and appreciated the effort required to allocate harvestable surplus fish.

Department recommendation and analysis: Support and concern is acknowledged.

Letters and Emails received as of May 4, 2004.

10. Mr. Raymond Chin, Mr. Wayne White, Mr. Ken Cunningham, Mr. Gene Bach, Mr. Mark Eayrs, Mr. Scott Caldwell, Mr. Buy Ives, Mr. Brandon Zolotoff, Mr. William Baldwin, Mr. Bill Ferrero, Mr. Allan Melikian, Mr. Grant Appling, Mr. Chris Riddle, Mr. David V. Dougherty, Mr. Alan J. Borges, Mr. Brandt K. Stevens, Mr. Gary Yamasaki, Mr. Tim King, Mr. Mark Penner, Mr. Dan Carter, Mr. Hank Raymond, Mr. Terry Born, Mr. Dan littleton: A synopsis of the written comments expressed concerns with the proposed reduction in the river sport quota for adult Chinook. The consensus was to maintain the 2003 in-river sport quota of 10,800 adult Chinook salmon for 2004 fishing season.

Department recommendation and analysis: Do not accept. The allowable Chinook salmon harvest in the Klamath River system is based on the spawning run-size predictions and spawning escapement goals. Chinook salmon in the Klamath River basin are managed through a cooperative system of state, federal, and tribal management agencies. The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations from the Klamath Fishery Management Council (KFMC) for sport and commercial ocean fisheries off the coasts of Washington, Oregon, and California. The abundance of Klamath River basin Chinook salmon is primary factor used to develop the sport, commercial and tribal harvest allocations for Klamath River basin Fall Chinook salmon. The Klamath River Technical Advisory Team (KRTAT) predicted a reduction in the number of Klamath River basin Fall Chinook salmon available in 2004. In 2003, the KRTAT estimated an ocean abundance of Klamath River basin Chinook salmon at 310,210. This year forecast predicts an ocean abundance of 216,300. This represents a 30 percent decrease in Klamath River basin fish. This decrease precipitated the reduction in all ocean, in-river and tribal fisheries for 2004.

There are several constraining factor that influence the distribution of the allowable harvest of Klamath River basin Fall Chinook salmon. These include 1) Endangered Species Act (ESA) protection; 2) meeting a Pacific Fishery Management Council (PFMC) mandate of allowing a minimum of 35,000 Klamath River basin Chinook to spawn naturally. The past two season in-river sport anglers were allowed to harvest in excess of their allotted 15% of the total non-tribal harvestable surplus of Chinook salmon. In 2002 and 2003, in-river sport anglers received 49% and 26% respectively. The increase was based on ESA constraints to ocean commercial and ocean recreational anglers. These constraints do not affect the in-river sport angler, therefore any surplus fish that could not be harvested in the ocean was allocated to the in-river sport quota.

11. Mr. Thomas Weseloh, Cal Trout, Mr. Thomas Wesloh, Cal Trout (4/30/04), Mr. Rudy Ramp, Mr. Richard Walter, Ms. Susan Walter, Mr. Bruce Young, Ms. Rebecca Stamos, Ms. Vicky Turner, and Mr. George Kautsky, Mr. George Kautsky (4/16/04): Recommends opening New River, tributary to

the Trinity River to catch and release angling using only artificial lures with barbless hooks.

Department recommendation and analysis: Do not accept. The New River supports runs of fall and spring -run Chinook salmon, Coho, and both summer and winter steelhead. In 1999, the Department closed the majority of Klamath/Trinity basin tributaries, including the New River to all angling. These closures were designed to protect steelhead in the Evolutionarily Significant Unit (ESU) Klamath Mountain Province (KMP), which at the time were considered a candidate for listing under the federal Endangered Species Act. Since then, NOAA Fisheries has concluded that the KMP steelhead population does not warrant listing. The Department, however, continues to place summer steelhead in the Klamath/Trinity basin as a species of special concern.

The Department does not support the reopening of the New River and other Trinity River summer steelhead holding tributaries. Plentiful angling opportunities exist to fish for wild summer steelhead in their migratory corridor of the main-stem Trinity River downstream of their summer holding habitat. This is consistent with the Department's policy to allow fishing for sensitive stocks only in migratory areas and not in holding areas. The Department recognizes that substantial increases in returns of summer steelhead have occurred on the New River over the past three years, but is still concerned with highly variable returns between years and lack of the ability by the Department to conduct necessary angler-impact monitoring.

12. Mr. Steve Garrison, Mr. Don Bowling, and Ms. Karen Bowling: Supports the Department position not to open the New River to catch and release angling.
Department recommendation and analysis: Support is acknowledged. Department does not support opening New River to catch and release angling.

13. Mr. Dean McBroom: Recommends allowing the harvest of five wild steelhead in the Klamath River from October 1 through February 28 from the mouth to Irongate Dam.

Department recommendation and analysis: Do not accept. The Department is signatory to a Memorandum of Agreement (MOA) with NOAA Fisheries pertaining to restoration of Northern California steelhead. The MOA was signed and adopted to avoid listing of Northern California steelhead under the Federal Endangered Species Act. The MOA has specific language which prohibits the Department in supporting any regulations which allow a directed take of wild steelhead north of the Russian River. The MOA will be reviewed and potentially modified within the next 12 months.

14. Mr. Thomas J. Weseloh, Cal Trout, (4/30/04): Opposes the proposed harvest of wild steelhead in the Klamath River.

Department recommendation and analysis: Support is acknowledged. The Department does not support the harvest of wild steelhead in the Klamath River.